

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL CARSON,
Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,
Defendant.

No. CV 06-965-ST
OPINION & ORDER

MOSMAN, J.,

On June 21, 2007, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#23) in the above-captioned case recommending the Commissioner's motion to remand for further proceedings be granted. Mr. Carson timely filed objections.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo*

or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R as my own opinion. Accordingly, the Commissioner's Motion to Remand Case to Agency (#17) should be GRANTED, and the Commissioner's final decision should be reversed and remanded for further proceedings.

IT IS SO ORDERED.

DATED this 12th day of October, 2007.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court